

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DaQUAN HERRON,

Plaintiff,

v.

CHIP FOCKLER, et al.,

Defendants.

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CASE NO. 1:09-cv-1

HONORABLE PAUL L. MALONEY

**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation (Dkt. #32) filed by United States Magistrate Judge Joseph G. Scoville in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

**THEREFORE, IT IS ORDERED** that the defendants' motion for summary judgment (Dkt. #17) is **GRANTED** for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that the plaintiff's complaint is **DISMISSED**.

Because the plaintiff proceeds *in forma pauperis*, the Court must determine whether any appeal would be taken in good faith. See 28 U.S.C. § 1915(a)(3); *McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997). Because no objections have been filed, the court concludes that an appeal would not be taken in good faith.

Dated: July 30, 2010

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge